



भारत का राजपत्र The Gazette of India

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प्राधिकार से प्रकाशित
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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय

(व्यय विभाग)

नई दिल्ली, 22 जून, 2022

का.आ. 615.—राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, भारतीय लेखापरीक्षा और लेखा विभाग में भारत सरकार के निम्नलिखित कार्यालय, जिसमें अस्सी प्रतिशत कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है, अर्थात्:—

1. महालेखाकार कार्यालय (लेखा एवं हकदारी), त्रिपुरा, अगरतला।

[फा. सं. ए-12034/02/2021-ईजी]

ऐनी जॉर्ज मैथ्यू, विशेष सचिव

MINISTRY OF FINANCE**(Department of Expenditure)**

New Delhi, the 22nd June, 2022

S.O. 615.— In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following office of the Government of India in the Indian Audit and Accounts Department, in which eighty per cent of the staff have acquired the working knowledge of Hindi, namely :—

1. Office of the Accountant General (A&E), Tripura, Agartala.

[F. No. A-12034/02/2021-EG]

ANNIE GEORGE MATHEW, Spl. Secy.

वित्तीय सेवाएं विभाग

नई दिल्ली, 25 जून, 2022

का.आ. 616.—राष्ट्रीय आवास बैंक अधिनियम, 1987 (1987 का 53) की धारा 6 की उप-धारा (1) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, राष्ट्रीय आवास बैंक के प्रबंध निदेशक (एमडी) श्री शारदा कुमार होता के कार्यकाल को दिनांक 26.6.2022 से दो वर्ष की अवधि (अर्थात् 26.6.2024 तक) के लिए अथवा अगले आदेशों तक, जो भी पहले हो, बढ़ाने का अनुमोदन करती है।

[फा. सं. 24/3/2022-आईएफ-II]

ललित कुमार, आर्थिक सलाहकार

DEPARTMENT OF FINANCIAL SERVICES

New Delhi, the 25th June, 2022

S.O. 616.—In exercise of the powers conferred by Clause (a) of Sub-Section (1) of Section 6 of the National Housing Bank Act, 1987 (53 of 1987), the Central Government has approved the extension of the term of Sh. Sarada Kumar Hota as Managing Director (MD), National Housing Bank for a further period of two years beyond 26.06.2022 (i.e. till 26.06.2024), or until further orders, whichever is earlier.

[F. No. 24/3/2022-IF-II]

LALIT KUMAR, Economic Adviser

विदेश मंत्रालय**(सी.पी.वी. प्रभाग)**

नई दिल्ली, 22 जून, 2022

का.आ. 617.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के प्रधान कौंसलावास, दुबई में उमेश यादव, सहायक अनुभाग अधिकारी, को दिनांक 22 जून, 2022 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी-4330/01/2022(25)]

एस.आर.एच. फहमी, उप सचिव (कांसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(CPV Division)

New Delhi, the 22nd June, 2022

S.O. 617.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Umesh Yadav, Assistant Section Officer as Assistant Consular Officer in Consulate General of India, Dubai to perform the consular services with effect from 22 June 2022.

[F. No. T-4330/01/2022(25)]

S.R.H. FAHMI, Dy. Secy. (Consular)

नई दिल्ली, 24 जून, 2022

का.आ. 618.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के प्रधान कोंसुलावास, षीकागो में श्री मनेंद्र कुमार और श्री जितेंद्र सिंह खत्री, सहायक अनुभाग अधिकारियों, को दिनांक 24 जून, 2022 से सहायक कोंसुलर अधिकारियों के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी-4330/01/2022(26)]

एस.आर.एच. फहमी, उप सचिव (कांसुलर)

New Delhi, the 24th June, 2022

S.O. 618.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Manendra Kumar and Shri Jitender Singh Khatri, both Assistant Section Officers as Assistant Consular Officers in Consulate General of India, Chicago to perform the consular services with effect from 24 June 2022.

[F. No. T-4330/01/2022(26)]

S.R.H. FAHMI, Dy. Secy. (Consular)

नई दिल्ली, 24 जून, 2022

का.आ. 619.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के दूतावास, बाकू में श्री राज कुमार गुप्ता, सहायक अनुभाग अधिकारी, को दिनांक 24 जून, 2022 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी-4330/01/2022(27)]

एस.आर.एच. फहमी, उप सचिव (कांसुलर)

New Delhi, the 24th June, 2022

S.O. 619.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Raj Kumar Gupta, Assistant Section Officer in the Embassy of India, Baku as Assistant Consular Officer to perform Consular services with effect from June 24, 2022.

[F. No. T-4330/01/2022(27)]

S.R.H. FAHMI, Dy. Secy. (Consular)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 7 अप्रैल, 2022

का.आ. 620.— केंद्र सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 5 की उपधारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए झारखंड राज्य सरकार की अधिसूचना सं. 10/सी.बी.आई.-413/2021-4805/रांची, दिनांक 13.12.2021, गृह, कारागार एवं आपदा प्रबंधन विभाग, रांची के माध्यम से जारी सहमति से, श्री अरविंद कुमार पांडे, ग्रामीण डाक सेवक (जीडीएस), गिरीडीह प्रधान डाक घर, गिरीडीह द्वारा कथित रूप से आय के ज्ञात स्रोतों के अनुपात में आर्थिक संसाधनों या आय से अधिक संपत्ति के कब्जे में होने के संबंध में धारा 13(2) सपठित धारा 13(1)(ई) (भ्रष्टाचार निवारण अधिनियम, 1988 के संशोधन पूर्व) एवं वर्तमान अनुरूप भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का 49) (2018 के अधिनियम 16 द्वारा संशोधित) की धारा 13(2) सपठित धारा 13(1)(बी) के तहत अपराध (अपराधों) का अन्वेषण तथा ऐसे अपराध(अपराधों) से जुड़े या उससे सम्बद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षडयंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त झारखंड राज्य में करती है।

[फा. सं. 228/06/2022-एवीडी-II]

संजय कुमार चौरसिया, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 7th April, 2022

S.O. 620.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Jharkhand, issued vide Notification No. 10/C.B.I.-413/2021-4805/Ranchi dated 13.12.2021, Home, Prison and Disaster Management Department, Ranchi, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Jharkhand for investigation into the offence(s) under section 13(2) r/w section 13(1)(e) (before amendment to the Prevention of Corruption Act, 1988) and presently corresponding section 13(2) r/w section 13(1)(b) of the Prevention of Corruption Act, 1988 (49 of 1988) (as amended by Act 16 of 2018) alleged to have been committed by Shri Arvind Kumar Pandey, Gramin Dak Sewak (GDS), Giridih Head Post Office, Giridih pertaining to be in possession of pecuniary resources or property disproportionate to his known sources of income and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/06/2022-AVD-II]

SANJAY KUMAR CHAURASIA, Under Secy.

विद्युत मंत्रालय

नई दिल्ली, 27 जून, 2022

का.आ. 621.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में विद्युत मंत्रालय के प्रशासनिक नियंत्रणाधीन पावर ग्रिड कार्पोरेशन ऑफ

इंडिया लिमिटेड के निम्नलिखित कार्यालयों, जिनके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:

1. पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड
400/220 केवी न्यू सिलिगुड़ी उपकेंद्र,
पोस्ट-बलराम, वाया कामार भिटा,
पोस्ट अंबारी, फालाकाटा, जिला-जलपाईगुड़ी
पश्चिम बंगाल-735135
2. पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड
220 केवी जी आई एस न्यू मेल्ली उपकेंद्र,
टोकाल, ब्लॉक-पकलक, देंचुंग जोरेथंग,
पोस्ट-नयाबाजार, जिला-साउथ सिक्किम,
सिक्किम-737121

[फा. सं. 11011/03/9/2022-हिंदी]

विशाल कपूर, संयुक्त सचिव (रा.भा.)

MINISTRY OF POWER

New Delhi, the 27th June, 2022

S.O. 621.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notify the following offices of Power Grid Corporation of India Limited under the administrative control of Ministry of Power, where 80% of the staff have acquired working knowledge of Hindi:

1. Power Grid Corporation of India Limited
400/220 KV New Siliguri Substation,
Post-Balaram, Via Kamar Bhita,
Post-Ambari, Falakata, Distt.- Jalpaiguri
West Bengal-735135
2. Power Grid Corporation of India Limited
220 KV GIS New Melli Substation,
Tokal, Block-Paklak, Denchung Jorethang,
Post-Naya Bazar, Distt.-South Sikkim,
Sikkim-737121

[F. No. 11011/03/9/2022-Hindi]

VISHAL KAPOOR, Jt. Secy. (O.L.)

शिक्षा मंत्रालय

(उच्चतर शिक्षा विभाग)

नई दिल्ली, 27 जून, 2022

का.आ. 622.—केंद्र सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, एतद्वारा नीचे दी गई सारणी के कॉलम (1) में उल्लिखित अधिकारी को, भारत सरकार के एक राजपत्रित अधिकारी के रैंक के समकक्ष अधिकारी होने के नाते, उक्त अधिनियम के

प्रयोजनार्थ, अधिकारिक राजपत्र में इस अधिसूचना के प्रकाशन की तारीख से दो वर्षों की अवधि के लिए संपदा अधिकारी नियुक्त करती है, जो उक्त सारणी के कॉलम (2) में विनिर्दिष्ट सरकारी परिसरों के संबंध में अपने अधिकार क्षेत्र की स्थानीय सीमाओं के भीतर सरकारी स्थान के संबंध में उक्त अधिनियम द्वारा अथवा उसके तहत संपदा अधिकारी को प्रदत्त शक्तियों का प्रयोग करेंगे और दिए गए कार्यों का निष्पादन करेंगे।

सारणी

अधिकारी का नाम और पदनाम	सार्वजनिक परिसरों की श्रेणियां और अधिकार क्षेत्र की सीमाएं
(1)	(2)
प्रो. जमाल ए. खान, चेयरपर्सन, वन्यजीव विज्ञान विभाग, अलीगढ़ मुस्लिम विश्वविद्यालय	अलीगढ़ मुस्लिम विश्वविद्यालय, अलीगढ़ जिले से संबंध रखने वाले या पट्टे पर लिए गए या अलीगढ़ मुस्लिम विश्वविद्यालय द्वारा या इसकी ओर से अधिग्रहित परिसर।

[फा. सं. 3-17/2021-सीयू-V]

मृत्युंजय बेहेरा, आर्थिक सलाहकार (उच्चतर शिक्षा)

MINISTRY OF EDUCATION

(Department of Higher Education)

New Delhi, the 27th June, 2022

S.O. 622.—In exercise of the powers conferred by Section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971) the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being an officer equivalent to the rank of gazetted officer of the Government of India to be estate officer for a period of two years, from the date of publication of this notification in the Official Gazette, for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed, on estate officers by or under the said Act, within the local limits of his jurisdiction in respect of the public premises is specified in column (2) of the said table, namely:—

TABLE

Name and Designation of Officer	Categories of public premises and local limits of Jurisdiction
(1)	(2)
Prof. Jamal A. Khan, Chairperson, Department of Wildlife Sciences, Aligarh Muslim University.	Premises belonging to, or taken on lease or requisitioned by or on behalf of the Aligarh Muslim University, Aligarh District.

[F. No. F.3-17/2021-CU-V]

MRUTYUNJAY BEHERA, Economic Advisor (HE)

रेल मंत्रालय
(रेलवे बोर्ड)

नई दिल्ली, 10 जून, 2022

का.आ. 623.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम, 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में मंडल रेल प्रबंधक कार्यालय, मैसूर मंडल, दक्षिण पश्चिम रेलवे, जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[फा. सं. हिंदी 2018/रा.भा.1/12/1(1194981)]

डॉ. बरुण कुमार, निदेशक, राजभाषा

MINISTRY OF RAILWAYS
(Railway Board)

New Delhi, the 10th June, 2022

S.O. 623.—Ministry of Railways (Railway Board) in pursuance of Sub-Rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify DRM Office, Mysuru Division, South Western Railway, where 80% or more Officers/Employees have acquired the working knowledge of Hindi.

[F. No. Hindi 2018/O.L-1/12/1(1194981)]

Dr. BARUN KUMAR, Director (OL)

नई दिल्ली, 10 जून, 2022

का.आ. 624.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में रेलटेल कॉर्पोरेशन ऑफ इंडिया लिमिटेड, दक्षिणी क्षेत्र, सिकंदराबाद, जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[फा. सं. हिंदी 2018/रा.भा.1/12/1(1194984)]

डॉ. बरुण कुमार, निदेशक, राजभाषा

New Delhi, the 10th June, 2022

S.O. 624.—Ministry of Railways (Railway Board) in pursuance of Sub-Rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify RailTel Corporation of India Limited, South Region/Secunderabad, where 80% or more Officers/Employees have acquired the working knowledge of Hindi.

[F. No. Hindi 2018/O.L-1/12/1 (1194984)]

Dr. BARUN KUMAR, Director (OL)

नई दिल्ली, 10 जून, 2022

का.आ. 625.—रेल मंत्रालय (रेलवे बोर्ड), राजभाषा नियम 1976 (संघ के शासकीय प्रयोजनों के लिए प्रयोग) के नियम 10 के उपनियम (2) और (4) के अनुसरण में **इंडियन रेलवे कैटरिंग एवं टूरिज्म कॉर्पोरेशन, क्षेत्रीय कार्यालय, चंडीगढ़**, जहां 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करता है।

[फा. सं. हिंदी 2018/रा.भा.1/12/1(1194986)]

डॉ. बरुण कुमार, निदेशक, (राजभाषा)

New Delhi, the 10th June, 2022

S.O. 625.—Ministry of Railways (Railway Board) in pursuance of Sub-Rule (2) and (4) of Rule 10 of the Official Language Rules, 1976 (use for the Official purposes of the Union) hereby, notify Indian Railway Catering and Tourism Corporation, Zonal Office/Chandigarh, where 80% or more Officers/Employees have acquired the working knowledge of Hindi.

[F. No. Hindi 2018/O.L-1/12/1 (1194986)]

Dr. BARUN KUMAR, Director (OL)

श्रम और रोजगार मंत्रालय

नई दिल्ली, 28 जून, 2022

का.आ. 626.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंध तंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 99/2002) को प्रकाशित करती है।

[सं. एल-12012/72/2002-आईआर (बी-1)]

डी. गुहा, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 28th June, 2022

S.O. 626.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 99/2002) of the Cent. Govt. Indus. Tribunal-cum-Labour Court Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12012/72/2002-IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/99/2002

Present: P. K. Srivastava, H.J.S..(Retd)

Shri Ram Kedar,
S/o Shri Ram Dular,
Qtr.No.F-4, SBI Colony,
Sector 6, Bhilai Nagar,
District Durg (Chhattisgarh)

...Workman

Versus

The Deputy General Manager,
State Bank of India,
Zonal Office, Shanker Nagar,
Raipur (Chhattisgarh)

2. The Assistant General Manager,
State Bank of India,
Region No.3, Bhilai,
District Durg (Chhattisgarh)

...Management

AWARD

(Passed on 8-6-2022)

As per letter dated 28/6/2002 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D.Act, 1947 as per Notification No. L 12012/72/2002-IR(B-1). The dispute under reference relates to:

“Whether the action of the management of State Bank of India in removing Shri Ram Kedar, Ex-Messenger cum farsh at Sector No.1, Bhilai Branch from Bank’s service vide order dated 26/12/2000 of Disciplinary Authority (Deputy General Manager, SBI, Zonal Office, Raipur) vide order dated 28/2/2001 is justified? if not, what relief the workman is entitled?” .”

1. After registering the case on the basis of reference, notices were sent to the parties. Both the parties have filed their respective statement of claim and defense.

2. The case of the workman as stated in his statement of claim is that he was appointed as temporary staff with the Management of the Bank in the year 1984. He was given regular appointment w.e.f. 13-11-1987 as a messenger cum farash and was posted in the main Branch of the management Bank in Sector-1, Bhilai. He was thereafter confirmed as a permanent staff w.e.f. 14-5-1988 and continued in service with all sincerity and efficiently till December-1994. He was issued a show cause notice on 10-5-1994 requiring him to explain his conduct which was misconduct under service rules as alleged by the management. The charge was of false introduction of an account holder and getting the cheque book issued in the name of the account holder to a fake person. He filed his reply and denied the charges on 22-6-1994. The Management decided to institute a departmental inquiry and issued a formal charge sheet on 6-4-1994. The workman again denied the charges before the Inquiry Officer and also claimed that no financial loss was caused to the Bank. It is the case of the workman that the inquiry was not conducted properly. The charges were held wrongly proved by the Inquiry Officer in his inquiry report. Also that the Disciplinary Authority wrongly passed the punishment of removal from service relying on an inquiry report which was against law and ignoring the fact that no charge was proved against the workman. According to the workman, the charges were not proved. The punishment was excessive and disproportionate to the charge, hence is arbitrary and is a result of unfair labour practice and victimization. Accordingly, the workman has prayed that setting aside the punishment order, he be reinstated with all service and prost retiral benefits.

3. The case of the Management in brief is that while working in Bhilai Branch in the year 1994, the workman introduced one person Horilal to the then Chief Manager, P.B.Division and identified him as Horilal, holder of the saving bank account 24063 bearing cheque No.462981 to 463000 was issued to the identified person. Later on the real account holder Horilal denied having received any cheque book. That cheque book was used in fraudulent withdrawal of Rs.50,000/- from the account by the fake person identified by the workman Horilal account holder which is gross misconduct in terms of Shastri Award duly modified by Desai Award and Bi-Partite Settlements governing the service conditions. The charge sheet dated 6-12-1994 was issued to the workman. He filed the reply to the charge sheet denying the charges. The Disciplinary Authority decided to conduct an departmental inquiry and Shri R.K.Mishra was appointed as the Inquiry office and Shri N.K.Sharma was appointed as the Presenting Officer. The workman was allowed to be defended by the representative of Registered Union. A criminal case was also filed against the workman. The inquiry was kept suspended due to pendency of the criminal case. It started later on since 20-6-2000 then Shri R.K.Gupta was appointed as the Inquiry Officer and Sohan kumar was appointed as the Presenting Officer. The inquiry was conducted and the workman also participated in the inquiry. The Inquiry Officer submitted his report dated 31-10-2000. A copy of which was sent to the workman on 22-11-2000. He did make his representation on the Inquiry report. The Disciplinary Authority concurred with the finding of the Inquiry Officer and penalty of removal from service was awarded to the workman. The workman was also heard on the point of proposed penalty. The Disciplinary Authority after considering the Inquiry Report and severity of the charge as well as the evidence collected during the inquiry concurred with the finding of the Inquiry Officer and awarded the punishment of removal from service in accordance with the provisions of para 521(5)(b) of Shastri Award vide order dated 26-12-2000. The workman filed appeal against the punishment order on 29-6-2001 which was dismissed by the Appellate Authority. According, to the management, the Inquiry was conducted as per rules and procedure. The workman was given full opportunity to defend himself. There was no violation of natural justice. The charges were

proved during the inquiry. The punishment is also not disproportionate to the charge. Accordingly, the Management has prayed that the reference be answered against the workman.

4. On the basis of pleadings, the following preliminary issues were framed by my learned Predecessor vide his order dated 26-8-2009.

“Whether the Departmental inquiry conducted is legal and proper?”

5. Parties were directed to lead evidence on preliminary issue. The workman examined himself as a witness and filed and proved original documents regarding inquiry which are Exhibits W-1 to W-9. The workman admitted Management documents mainly inquiry papers which are exhibits M-1 to M-5A. The Management examined its witness on oath and was cross-examined by the workman.

6. Vide his order dated 20-6-2017 my learned Predecessor held the departmental inquiry legal and proper. His this order is part of this Award.

7. Following three other issues were framed by my learned Predecessor vide his order dated 20-6-2017:—

“(1) Whether the alleged misconduct is proved from evidence, during the inquiry?”

(2) Whether the punishment of removal imposed against the workman is legal and proper?

(3) If so, what relief the workman is entitled to?”

8. Parties were given opportunity to lead evidence on these additional issues. The workman again examined himself and was cross-examined by learned counsel for the management. The Management examined its witness who was cross-examined by the workman. The Management proved documents Exhibit M-6.

9. Meanwhile the workman died and his legal representative were brought on record.

10. I have heard arguments of Shri Rajendra Puranik, learned counsel for the workman and Shri Vijay Kumar Tripathi, learned counsel for the Management and have gone through the record.

11. **ISSUE NO.1:—**

It has been submitted from the side of workman that charge of misconduct is not proved against the workman from the evidence collected during the inquiry. The learned counsel for the management has submitted that the charges were well proved from evidence. The learned counsel for workman has also submitted that the workman was acquitted for the same charges by the Criminal Court in the criminal case proceeded against him. According to the learned counsel for the workman, this fact also goes in favour of the workman and supports his case that the charges were in fact not proved in the evidence during the inquiry. Reliance has been placed on following cases in this respect:—

- A. **State of West Bengal and Others Vs. Vidyasagar Pandey and Another** (2011(129)FLR-45), Hon'ble Calcutta High Court, wherein it has been held that since both the criminal and departmental proceedings initiated for the same charges arising out same set of facts, the finding of the criminal Court must prevail upon the Disciplinary Authority.
- B. The learned counsel has further referred to decision of Hon'ble the Apex Court in **Union of India and Others Vs. Naman Singh Sekhawat** (2008) 118 FLR-1121, wherein the departmental proceedings were initiated against the employee who was found in possession of smuggled goods, he was acquitted in criminal proceedings but was held guilty of misconduct in departmental inquiry. His dismissal by the Disciplinary Authority was misconduct and was set aside.
- C. Another judgment of Hon'ble Madras High Court in the case of **S.Duraikannu Vs. Managing Director and Another** (2007) 112 FLR-800 has also been referred to by learned counsel. This is also the argument of learned counsel for the workman that the charges are vague, hence departmental inquiry could not be proceeded on the basis of vague charges. The learned counsel has referred to Judgment of Hon'ble High Court of M.P. in the case of **Gangaram Choube Vs. State of M.P.& Others** (2005) MPLSR-131.

12. On the other hand, learned counsel for the Management has submitted that from the evidence collected during the inquiry, the charges are proved. It has also been submitted by learned counsel for the management that the workman was acquitted by the criminal court giving him benefit of doubt, hence the judgment of criminal court will not effect the finding of the Inquiry Officer in his inquiry report. According to the learned counsel for the management standard regarding proof of charge in departmental inquiry and criminal trial are different. Learned Counsel has referred to following decisions of Hon'ble the Apex Court in this respect where in it has been laid down that in the departmental inquiry the charges need not be proved beyond reasonable doubt and that the standard of proof for charges is different in departmental inquiry and criminal trials:—

- A. **State Bank of India Vs. Narendra Kumar Pandey** (2013) 2 SCC 740.
- B. **General Manager Operation, SBI & another Vs. R.Periyasamy** (2015) 3 SCC 101.
- C. **Pravin Kumar Vs. Union of India and Others** (2020) 9 SCC 471.
- D. **Deputy General Manager and Others Vs. Ajai Kumar Srivastava** (2021) 2 SCC 612.
- E. **State of A.P. Vs. Sree Rama Rao** (1963) SC 1723 wherein it has been held that :—

“...a disciplinary proceeding is not a criminal trial and that the standard of proof required in a disciplinary inquiry is that of preponderance of probability and not proof beyond reasonable doubt, which is the proof required in a criminal trial.”

F. In another case **B.C.Chaturvedi Vs. Union of India**(1995) 6 SCC 749, it has been held that :—

“the power of judicial review is meant to ensure that the individual receives fair treatment and not ensure that the conclusion which the authority reaches is necessarily correct in the eye of the Court. The disciplinary authority is the sole Judge of facts. The Court/Tribunal in its power of review does not act as appellate authority to re-appreciate the evidence and to arrive at its own independent findings on the evidence.”

13. Now coming to the evidence in proof of charge conducted during the inquiry, the charge against the workman was as follows:—

- (1) **That while posted in Bhilai Branch he introduced one fake person as Account Holder of saving account No.24063 Horilal on 4-5-1994 and got issued a cheque book on his recommendation.**
- (2) **The real account holder Horilal denied receiving the cheque book.**

14. Though the charges are two fold but they are virtually one which is wrong introduction and identification of Account holder for issuing a cheque book against the Account. The inquiry papers have been proved by the Management largely admitted by the workman also. The perusal of the inquiry proceedings and inquiry report goes to show that the Management examined its witness C.L.Dase who stated before the inquiry officer that the workman entered in his cabin with a person and introduced the person as Account Holder Horilal having Saving Bank Account No.24063 and recommended issuing cheque book against that account to the person. He also stated that when the witness asked the person to produce his passbook, the workman told the witness that the person is personally known to him and the pass book is given for updation and there is a huge rush at the updation counter. It was on the recommendation and identification of the workman the cheque book was issued by the witness to the person accompanying the workman. The other witness Madnaiya examined during the inquiry proceedings stated before the Inquiry Officer that the real account holder Horilal came to the Branch on 7-5-1994 and submitted a withdrawal form of Rs.1,00,000/- for preparing a draft. There was no sufficient amount in his account. He was told that his account did not have one lakh as there is a withdrawal of Rs.50,000/-(Rs.fifty thousand only)from the account by cheque just a day before. Then the Account holder told that he had never withdrawn Rs.50,000/- from his account. He also told that he never applied for cheque book and no cheque book was ever issued to him. When he was confronted by the workman, the workman also refused to identify him. I have gone through the statement of these two witnesses as well as other witnesses examined during the inquiry proceedings, recorded as their cross-examination and also of considered view that the witnesses are reliable on the point of charge. I find no occasion to defer from the finding of the Inquiry Officer that the charges against the workman are proved. Hence the charge of misconduct against the workman is held proved from the inquiry report and finding of Inquiry Officer with respect to the proof of charge is affirmed. **Issue No.1 is answered accordingly.**

15. **ISSUE NO.2:—**

It has been submitted by learned counsel for the workman that the punishment is excessive. The workman had unblemished service record. This fact was not considered by the Disciplinary Authority. The workman had no role in withdrawal of Rs.50,000/- by cheque as it was a matter between the cashier and the Accountant who passed the cheque. The charge against him is only that he introduced a wrong person for issuing of cheque book which he denied all through out during the inquiry. Hence according to the learned counsel for the workman, the punishment of removal from service in the case in hand is excessive and shockingly disproportionate.

16. Learned Counsel for the management has submitted on the other hand that the charge is grave misconduct for which there is provision of removal from service along with other punishments. No employer can afford to have an employee whose integrity is doubtful. In the case in hand also the workman was instrumental in getting the cheque book issued to a fake person on his identification and recommendation which resulted into fraudulent withdrawal of Rs.50,000/-. Also it has been submitted that scope of interference by this Tribunal on punishment is limited and this case is not a fit case for interference because the punishment is not shockingly disproportionate warranting interference by this Tribunal.

17. Learned Counsel for the management has referred to following decisions of Hon'ble the Apex Court in these case:-

- A. **State Bank of Bikaner & Jaipur Vs Nemi chand Nalwaya** (2011) 4 SCC 584.
- B. **B.C. Chaturvedi Vs. Unionof India**(1995) 6 SCC 749.
- C. **Pravin Kuamr Vs. Unionof India** (2020) 9 SCC 471.
- D. **State Bank of India Vs. R. Periyasamy** (2015) 3 SCC 1010.
- E. **U.P.S RTC Vs. Suresh Chand Sharma**, (2010) 6 SCC 555
- F. **State Bank of India Vs. Ajai Kumar Srivastava** (2021) 2 SCC 612.

18. Before proceeding, the settled preposition of law on the issue requires to be mentioned, which is as follows:—

It is admitted proposition of law that the Court cannot sit in appeal or it cannot re-appreciate the evidence relied before Inquiry Officer; in as much as it cannot alter the order or punishment; however, the scope of invoking the powers given under Section 11 A of the Act, by the Labour Court is confined to the condition that the Court should interfere with the order of punishment when it is disproportionate with respect to the misconduct committed or it is harsh.

1. In **DG, RPF vs. Sai Babu (2003) 4 SCC 331**, Hon'ble Apex Court has observed that:

Normally, the punishment imposed by a disciplinary authority should not be disturbed by the High Court or a tribunal except in appropriate cases that too only after reaching a conclusion that the punishment imposed is grossly or shockingly disproportionate, after examining all the relevant factors including the nature of charges proved against, the past conduct, penalty imposed earlier, the nature of duties assigned having due regard to their sensitiveness, exactness expected of an discipline required to be maintained, and the department /establishment which the delinquent person concerned works."

2. In **United Commercial Bank vs. P.C. Kakkar (2003) 4 SCC 364** Hon'ble Apex Court on review of a long line of cases and the principles of judicial review of administrative action under English law summarized the legal position in the following words:

The common thread running through in all these decisions is that the court should not interfere with the administrators' decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards. In view of what has been stated in Wednesbury case the court would not go into the correctness of the choice made by the administrator open to him and the court should not substitute its decision to that of the administrator. The scope of judicial review is judicial review is limited to the deficiency in decision-making process and not the decision.

To put it differently, unless the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the court/tribunal, there is no scope for interference. Further, to shorten litigation it may, in exceptional and rare cases, impose appropriate punishment by recording cogent reasons in support thereof."

3. In **Union of India vs. S.S. Ahluwalia (2007) 7 SCC 257** Hon'ble Supreme Court reiterated the legal position as follows:

"..... The scope of judicial review in the matter of imposition of penalty as a result of disciplinary proceedings is very limited. The court can interfere with the punishment only if it finds the same to be shockingly disproportionate to the charges found to be proved."

4. In **State of Meghalaya v. Mecken Singh N. Marak (2008) 7 SCC 580** Hon'ble Supreme Court stated that:

"The punishment imposed by the disciplinary authority or the appellate authority unless shocking to the conscience of the court, cannot be subjected to judicial review.

5. Hon'ble Apex Court in **Administrator, Union Territory of Dadra and Nagar Haveli vs. Gulbhia M. Lad (2010) 2 SCC (L&S) 101** has observed that :

"The legal position is fairly well settled that while exercising the power of judicial review, the High Court or a Tribunal cannot interfere with the discretion exercised by the disciplinary authority, and/or on appeal the appellate authority with regard to the imposition of punishment unless such discretion suffers from illegality or material procedural irregularity or that would shock the

conscience of the court/tribunal. The exercise of discretion in imposition of punishment by the disciplinary authority or appellate authority is dependent on host of factors such as gravity of misconduct, past conduct, the nature of duties assigned to the delinquent, responsibility of the position that the delinquent holds, previous penalty, if any, and the discipline required to be maintained in the department or establishment he works. Ordinarily the court or the tribunal would not substitute its opinion on reappraisal of facts.

6. Hon'ble Apex Court in (2011) 1 Supreme Court Cases (L&S) 721 has observed that:

It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic enquiry, nor interfere on the ground that another view is possible on the material on record. If the inquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, the courts will not interfere with findings of fact recorded in departmental inquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably could have arrived at such conclusion or findings, on the material on record. The courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations.

19. Now coming to the facts of the case in hand, in the light of settled preposition of law as mentioned above the charge of misconduct proved against the workman is of wrong identification for issuing of cheque book. The subsequent fraudulent withdrawal has nothing to do with the present workman. Keeping in view the misconduct proved, the maximum punishment of removal from service without considering other major punishments cannot be said to be proportionate to the charge. No doubt it is shockingly disproportionate to the charge of misconduct proved and his held accordingly. **Issue No.2 is answered accordingly.**

20. ISSUE NO. 3:—

Keeping in view all the facts and circumstances of the case in hand as referred to above, in my considered view the interest of justice will be fully served on the parties, if the workman is awarded punishment of compulsory retirement from service. Hence, the sentence of removal from service is converted into that of compulsory retirement. Since the punishment has been changed in the case in hand, the workman is held not entitled to back wages in the light of principle of law laid down in the case of **Deepali Gundu Suwase Vs. Kranti Junior Adhyapad Mahavidyalaya** (2013) 10 SCC 324(2013(6) SLR 642(SC) which are as follows:—

“38. The propositions which can be culled out from the aforementioned judgments are :

- 38.1. In cases of wrongful termination of service, reinstatement with continuity of service and back wages is the normal rule.**
- 38.2. The aforesaid rule is subject to the rider that while deciding the issue of back wages, the adjudicating authority or the Court may take into consideration the length of service of the employee/workman, the nature of misconduct, if any, found proved against the employee/workman, the financial condition of the employer and similar other factors.**
- 38.3. Ordinarily, an employee or workman whose services are terminated and who is desirous of getting back wages is required to either plead or at least make a statement before the adjudicating authority or the Court of first instance that he/she was not gainfully employed or was employed on lesser wages. If the employer wants to avoid payment of full back wages, then it has to plead and also lead cogent evidence to prove that the employee/ workman was gainfully employed and was getting wages equal to the wages he/she was drawing prior to the termination of service. This is so because it is settled law that the burden of proof of the existence of a particular fact lies on the person who makes a positive averments about its existence. It is always easier to prove a positive fact than to prove a negative fact. Therefore, once the employee shows that he was not employed, the onus lies on the employer to specifically plead and prove that the employee was gainfully employed and was getting the same or substantially similar emoluments.**
- 38.4. The cases in which the Labour Court/Industrial Tribunal exercises power under Section 11- A of the Industrial Disputes Act, 1947 and finds that even though the enquiry held against the employee/ workman is consistent with the rules of natural justice and/or certified standing orders, if any, but holds that the punishment was disproportionate to the misconduct found proved then it will have the discretion not to award fullback wages. However, if the Labour Court/Industrial Tribunal finds that the employee or workman is not at all guilty of any**

misconduct or that the employer had foisted a false charges then there will be ample justification for award of full back wages.

38.5. The cases in which the competent Court or Tribunal finds that the employer has acted in gross violation of the statutory provisions and/or the principles of natural justice or is guilty of victimizing the employee or workman, then the concerned Court or Tribunal will be fully justified in directing payment of full back wages. In such cases, the superior Court should not exercise power under Article 226 or 136 of the Constitution and interfere with the award passed by the Labour Court, etc., merely because there is a possibility of forming a different opinion on the entitlement of the employee/workman to get full back wages or the employer's obligation to pay the same. The Courts must always be kept in view that in the cases of wrongful/illegal termination of service, the wrong doer is the employer and sufferer is the employee/workman and there is justification to give premium to, the employer of his wrong doings by relieving him of the burden to pay to the employee/workman his dues in the form of full back wages.

38.6 In a number of cases, the superior Courts have interfered with the award of the primary adjudicatory authority on the premise that finalization of litigation has taken long time ignoring that in majority of cases the parties are not responsible for such delays. Lack of infrastructure and manpower is the principal cause for delay in the disposal of cases. For this the litigants cannot be blamed or penalised. It would amount to grave injustice to an employee or workman if he is denied back wages simply because there is long lapse of time between the termination of his service and finality given to the order of reinstatement. The Courts should bear in mind that in most of these cases, the employer is in an advantageous position vis-à-vis the employee or workman. He can avail the services of best legal brain for prolonging the agony of the sufferer, i.e., the employee or workman, who can ill afford the luxury of spending money on a lawyer with certain amount of fame. Therefore, in such cases, it would be prudent to adopt the course suggested in *Hindustan Tin works Private Limited V. Employees of Hindustan Tin Works Private Limited* (supra).

38.7 The observation made in *J.K. Synthetics Ltd. V. K.P. Agrawal* (supra) that on reinstatement the employee/workman cannot claim continuity of service as of right is contrary to the ratio of the judgments of three Judge Benches referred to here-in-above and cannot be treated as good law. This part of the judgment is also against the very concept of reinstatement of an employee/workman.

Furthermore, in *Tapash Kumar Paul V. BSNL* (2014) 4 SCR 875 :[2014(6) SLR 538 (SC)], it is held :—

“Therefore, in the light of the decision of this Court in *Deepali Gundu's* case (supra) which has correctly relied upon higher bench decisions of this Court in *Surendra Kumar Verma's* case (supra) and *Hindustan Tin Works Pvt. Ltd.* (supra), I am of the opinion that the appellant herein is entitled to reinstatement with full back wages since in the absence of full back wages, the employee will be distressed and will suffer punishment for no fault of his own.”

But he is held entitled to receive all the benefits admissible to an employee on compulsory retirement . Issue No. 3 is answered accordingly.

21. On the basis of the above discussion, following award is passed:—

- A. The action of the management of State Bank of India in removing Shri Ram Kedar, Ex-Messenger cum farsh at Sector No.1, Bhilai Branch from Bank's service vide order dated 26/12/2000 of Disciplinary Authority(Deputy General Manager, SBI, Zonal Office, Raipur) vide order dated 28/2/2001 is held not justified.
- B. The sentence of removal from service awarded to workman is converted into that of compulsory retirement. The workman is held not entitled to back wages but he is held entitled to receive all the benefits admissible to an employee on compulsory retirement.
- C. Parties to bear their own cost.

22. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 28 जून, 2022

का.आ. 627.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 146/2001) को प्रकाशित करती है।

[सं. एल-12012/87/2001-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 28th June, 2022

S.O. 627.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 146/2001) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12012/87/2001- IR(B-1)]

D.GUHA, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR****NO. CGIT/LC/R/146/2001****Present:** P. K. Srivastava, H.J.S..(Retd)

Shri Lala Ram Tiwari

(Died during proceedings, represented by L.R's)

S/o Jagdish Prasad Tiwari,

VGE & PO Jaali

Terhsil Kota,

District Bilaspur(C.G.)

...Workman

Versus

The Branch manager

State Bank of India,

Agricultural Development Bank,

Dayalband, Bilaspur

Chhattisgarh.

...Management

AWARD**(Passed on 13-6-22)**

As per letter dated 7/9/2001 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12012/87/2001/IR(B-1). The dispute under reference relates to:

“Whether the action of the management of State Bank of India , Agricultural Development Bank, Bilaspur, in terminating the services of Shri Lala Ram Tiwari with effect from 3-5-1996 is justified?if not, what relief the workman is entitled?” .”

1. After registering the case on the basis of reference, notices were sent to the parties. Both the parties have filed their respective statement of claim/defence.

2. The case of the workman as stated in his statement of claim is that he was appointed on 11-4-1986 against the sanctioned vacancy of messenger under the Branch manager of SBI(Agricultural Development Department) at Dayalband Bilaspur. That unfortunately he fell ill seriously on 13-1-1996. He submitted an application on the very same date for grant of leave to the Branch manager A.D.B.Bilaspur. After he recovered, he submitted his joining report on 25-4-1996. He was shocked to know that he has been terminated by management vide its letter dated 17-5-1996. He raised a dispute before Assistant labour Commissioner Central Bilaspur. After failure of conciliation, the reference was made by Central Government to this Tribunal for adjudication. According to the workman, the action of management is unjustified in law and fact and is arbitrary as well as malafide. The workman has sought his reinstatement with all back wages, benefits, setting aside his termination.

3. The case of the management is mainly that while the workman was posted at ADB Bilaspur he was in the habit of absenting himself unauthorisedly from duty. He unauthorisedly, willfully absented himself from November-1994 to January-1995. He was served with a notice on 8-12-1994 and then he rejoined for duty. He again unauthorisedly absented himself and was served with a notice on 8-4-1995. He was intimated by this third notice that if he failed to submit his joining and report back on duty he shall be treated to have voluntarily abandoned his services. The workman did not submit any reply nor did he report on duty. Then again a notice dated 17-5-1996 was sent to him which was served on him on 23-5-1996 intimating that he had voluntarily abandoned his services w.e.f. 3-5-1996. According to the management his termination was according to the relevant provisions of Shastri Award and Bi-Partite Settlement and also following the procedure of natural justice, as laid down by Hon'ble the Apex Court in the case of **Syndicate Bank Vs. General Secretary, Syndicate Bank Staff Association and another** (2000) 5 SCC 565. Thus accordingly to the Management the termination of his services was not against law nor is it arbitrary or malafide. The Management has accordingly requested that the reference be answered against the workman. The workman filed some photocopy documents in the form of medical certificates. He never cared to prove these documents. The Management filed and proved documents Exhibit M-1 to M-4. Notices sent to the workman on different dates as mentioned Exhibit M-5 and M-6 letters sent by the Management to the Post Master of the Post offices Ratanpur and Pali on 12-7-1996 and August-1998 Exhibit M-7 is a reply to the post master Pali dated 4-9-1996 and Exhibit M-8 is acknowledgement dated 23-5-1992. Exhibit M-9 is the copy of attendance register with respect to the workman for the period April-1995 to May-1996 different months.

4. During the proceedings the workman died and his legal representative were brought on record. His legal representative Lalal Ram Tiwari filed his affidavit as examination in chief but he never appeared for his cross-examination by the management. The Management filed affidavit of Smt. Sunita Branch manager, who supported the case of the management. None appeared from the side of the workman for cross-examination. Hence opportunity of the workman side for cross-examination was closed.

5. None appeared from the side of the workman at the time of argument. No written argument was filed. I have heard argument of Shri Vijay Kumar Tripathi, learned counsel for the management. He has filed his written argument also. I have gone through the written argument and have perused the record.

6. The Reference itself is the issue for determination in the case in hand.

7. The affidavit filed on behalf of the workman by his legal representative cannot be read in evidence because management could not cross-examine this witness as this witness never appeared for his cross-examination. The settled proposition is that the burden to prove his claim is on the workman, hence the burden to prove that his absence from duty was not willful is on the workman. He failed to discharge this burden. The Management has referred to decision of Hon'ble the Apex Court in the case of **Punjab & Sind Bank and Others Vs. Skattar Singh** (2001) 1 SCC 214. This is a three Bench decision and another decision **Regional Manager, Bank of Baroda Vs. Anita Nandrajog** (2009) 9 SCC 462 and **Regional Manager Central Bank of India Vs. Vijay Krishna Nema & Others** (2009) 5 SCC 567 have also been referred to by learned counsel for the Management.

8. Clause 16 of the Shastri Award reads as under:-

“16: Where an employee has not submitted any application for leave and absents himself from work for a period of 90 or more consecutive dated without or beyond any leave to his credit or absents himself for 90 or more consecutive days beyond the period of leave originally sanctioned or subsequently extended or where there is satisfactory evidence that he has taken up employment in India or the Management is satisfied that he has no present intention of joining duties, the management may at any time thereafter give a notice to the employee's last known address calling upon the employee to report duty within thirty days of the notice, stating inter alia the grounds for the management coming to the conclusion that the employee has no intention of joining duties and furnishing necessary evidence, where available. Unless the employee report for duty within thirty days or unless he gives an explanation for his absence satisfying the management that he has not taken up another employment or avocation and that he has no intention of not joining duties, the employee will be deemed to have voluntarily retired from the bank's service on the expiry of the said notice. In the event of the employee submitting a satisfactory reply, he shall be permitted to report for duty thereafter within thirty days from the date of the expiry of the aforesaid notice without prejudice to the bank's right to take any action under the law or rules of services.”

9. Clause 17(b) of the Vth Bi Partite Settlement is also being reproduced as under:-

“17. Voluntary cessation of employment by the employee:- The earlier provision relating to the voluntary cessation of employment by the employee in the earlier settlement shall stand substituted by the following:

(a) *****

(b) **When an employee goes abroad and absents himself for a period of 150 or more consecutive days without submitting any application for leave, or for its extension or without any leave to his**

credit or beyond the period of leave sanctioned originally/subsequently or when there is a satisfactory evidence that he has taken up employment outside India or when the management is reasonably satisfied that he has no intention of joining duties, the management may at any time thereafter give a notice to the employee at his last known address calling upon him to report for duty within 30 days of the date of the notice, stating, inter alia the grounds for coming to the conclusion that the employee has no intention of joining duties and furnishing necessary evidence, where available. Unless the employee reports for duty within 30 days of the notice or gives an explanation for his absence within the said period of 30 days satisfying the management that he has not taken up another employment or avocation and that he has no intention of not joining duties, the employee will be deemed to have voluntarily retired from the bank's service on the expiry of the said notice. In the event of the employee submitting a satisfactory reply, he shall be permitted to report for duty thereafter within 30 days from the date of the expiry of the aforesaid notice without prejudice to the bank's right to take any action under the law or rules of service.

10. It is the case of the management that the workman had unauthorisedly and willfully absented himself for more than ninety days continuously. He was in the habit of unauthorisedly absenting himself, details as mentioned by the management witness in her affidavit. The documents and the evidence of the Management witness clearly establish that the rules and procedure of natural justice were followed by the Management. Hence from this description of Award, the termination of the workman is held justified in law and fact and the workman is held entitled to no relief.

11. On the basis of the above discussion, following award is passed:-

- A. The action of the management of State Bank of India, Agricultural Development Bank, Bilaspur, in terminating the services of Shri Lala Ram Tiwari with effect from 3-5-1996 is held to be justified.
- B. The workman is held entitled to now relief.

12. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 30 जून, 2022

का.आ. 628.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केंद्रीय जांच और सुरक्षा सेवा लिमिटेड प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 55/2020) को प्रकाशित करती है।

[सं. एल-12011/21/2020-आईआर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 30th June, 2022

S.O. 628.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.55/2020) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Central Investigation and Security Service Ltd. and their workmen.

[No. L-12011/21/2020- IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/55/2020

Present: P. K. Srivastava, H.J.S..(Retd)

The General Secretary
CG ATM Karmachari Shramik Shangh Bilaspur,
Vishwakarma Chowk, Chingrajpara War No.40,
Bilaspur (Chhattisgarh)-495006

...Workman

Versus

The Central Investigation and Security Services,
A-101, Sapphire Twins, Opp. Malhar Mega Mall,
A.B.Road, Indore(M.P.)-452010.

...Management

AWARD

(Passed on 10-6-2022)

As per letter dated 21-8-2020 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12011/21/2020-IR(B-1). The dispute under reference relates to:

“Whether the action on the part of the Management of Central Investigation and Security Service Ltd.(Service provider to SBI) to terminate (i) Shri Manoj Mirri (ii) Shri Vikash Dubey (iii) Shri Shiv Das Mahant, (iv) Shri Sanjay Divakar and (v) Shri Ashish Korri is justified?If not , to what relief the workers are entitled?” .”

1. During the pendency of the reference, the workman filed an application on 27-8-2021 stating that the same dispute has been raised before the Labour Court Bilaspur, Chhattisgarh and was pending at that time. He further requested that this reference be dropped in the light of these facts. The application of the workman was disposed with the observation that the proceedings cannot be dropped, rather reference as to be answered today as stated by the Management Representative and is apparent from the Judgment of the Labour Court in Case No.07/2020 and 08/2020 between the parties.

2.The dispute has been settled on the basis of compromise between the parties before the Labour Court, hence this reference has become infructuous with influx of time and in the light of compromise mentioned above and is answered accordingly.

3. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

P. K. SRIVASTAVA, Presiding Officer